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#582



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

December 10, 1992

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND PROPONENT
(92284)

FROM:


CATHY MITCHELL
INITIATIVE COORDINATOR

Pursuant to Elections Code section 3520(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: JUDICIARY. BUDGET.
INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: June 30, 1992

PROPONENT: Richard Millan

CM/dab
status.ltr





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#582

June 30, 1992

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (92185)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

JUDICIARY. BUDGET.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule

1. Minimum number of signatures required 615,958
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Tuesday, 06/30/92
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Tuesday, 06/30/92
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Monday, 11/30/92*
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State Thursday, 12/10/92

(If the Proponent files the petition with the county on a date prior to 11/30/92, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

* Date adjusted for official deadline which falls on a holiday. Elec. C., Sec. 60.



- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Saturday, 12/19/92*
- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Wednesday, 02/03/93
- (If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 12/19/92, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).
- f. If the signature count is more than 677,554 or less than 585,161, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 585,161 and 677,554 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Saturday, 02/13/93*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Monday, 03/29/93
- (If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 02/13/93, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).
- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Friday, 04/02/93*

* Date varies based on receipt of county certification.

4. The Proponent of the above-named measure is:

Richard Millan
Californians for an Independent State Supreme Court
6150 Bay Shore Walk, Suite 406
Long Beach, CA 90803
(310) 824-4188

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; *Bilofsky v. Deukmejian* (1981) 123 Cal.fpp. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 41, 41.5, 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,



CATHY MITCHELL
Initiative Coordinator

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

Date: June 17, 1992
File No.: SA 92 RF 0014

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

JUDICIARY. BUDGET. INITIATIVE CONSTITUTIONAL AMENDMENT.

Declares the people's intent to safeguard the independence of the judiciary against retaliation from the other branches of state government, by establishing a minimum annual funding level for the Judicial branch of government (excluding trial courts) at \$144.2 million, with \$15.8 million thereof designated as the minimum funding level for the Supreme Court. Declares the people's intent to permit reduction of this minimum funding level only upon 2/3 vote of the Legislature followed by 2/3 vote of the electorate. Restores any legislative cuts to the Judicial branch budget in fiscal years 1991-1992 through 1993-1994. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Since the measure expresses the intent of the people and does not require the Governor or Legislature to adhere to its provisions, the measure has no direct state fiscal impact. To the extent the Legislature and Governor chose to adhere to the provisions of the measure, it could result in state costs potentially in the millions of dollars. These costs would be incurred in those instances in which the Legislature would otherwise have reduced appropriations for the support of the judicial branch.

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555
(916) 324-5490

June 30, 1992

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, CA 95814

FILED
in the office of the Secretary of State
of the State of California
JUN 30 1992
MARCH FONG EU, Secretary of State
By *CB Mitchell*
Deputy

RE: Initiative Title and Summary
Subject: CALIFORNIANS FOR AN INDEPENDENT
STATE SUPREME COURT
Our File No.: SA 92 RF 0014

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

KATHLEEN F. DaROSA
Senior Legal Analyst

KFD:pl
Encls.



RECEIVED
MAY 19 1992, May 11, 1992

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

The Honorable Dan Lungren
Attorney General of California
1515 K Street, Suite 511
Sacramento, CA 95814

Dear Attorney General Lungren:

Pursuant to California Constitution Art. II Section 10 (d), this written request for a title and summary of the enclosed Constitutional Amendment, is hereby submitted.

Further, pursuant to Sections 3502 and 3503 a cashiers check for two hundred dollars (\$200.00) made out to the California State Treasurer is enclosed.

Sincerely,

Richard Millan
Chairman
Californians For An Independent State Supreme, Court.

RM/jd
enclosures

1. copy of Initiative
2. cashiers check

6150 BAY SHORE WALK
SUITE 406
LONG BEACH
CALIFORNIA 90803
(310) 824-4188



To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of Los Angeles County, hereby propose amendments to the California Constitution Relating to Court Budget Funding and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to the general election or otherwise provided by law. The proposed constitutional amendments read as follows:

THE INITIATIVE

It is the intent of the People of the State of California to maintain and protect the independence of the three branches of California state government. Those branches are as follows: the Executive Branch, the Legislative Branch and the Judicial Branch.

It is the intent of the People of the State of California to maintain and protect the independence of the Judicial branch of government by protecting the budget and financial integrity of the Judicial branch from retaliation, threats of retaliation or the appearance of retaliation by any other branch of California state government regarding any decisions or rulings that may be rendered by the California Supreme Court or the California Courts of Appeal on any case or matter before those courts.

It is the intent of the People of the State of California to set a minimum appropriation by the California Legislature for the Judicial branch of \$144.2 million for each and every fiscal year following the enactment of this initiative by the registered voters of the State of California. This shall be known as the Judicial branch funding floor level and is identical to the Judicial branch budget for fiscal 1991-92.

It is the intent of the People of the State of California that the Judicial branch budget funding floor level of \$144.2 million for each fiscal year shall only be reduced in the following manner: The Judicial branch budget funding floor level of \$144.2 million for each fiscal year shall only be modified or changed by a two-thirds vote of the California State Senate and the California State Assembly. Following the two-thirds vote of the California State Senate and the California State Assembly, the modification or change in the \$144.2 million Judicial branch funding floor level must be placed on the next California ballot that coincides with the election of the Governor of the State of California. The registered voters of the State of California will then by a two-thirds vote be able to change or modify the Judicial branch budget funding floor level of \$144.2 million for each fiscal year.

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It is the intent of the People of the State of California that if any budget funding cuts are made to the Judicial branch budget by the California Legislature in fiscal 1991-92/1992-93/1993-94, then any such cuts will be restored dollar for dollar to the Judicial branch and any restored funds shall be placed into interest bearing accounts to be used as discretionary accounts by the California Supreme Court for the benefit of the Judicial branch. Any restored funds shall not be included in any Judicial branch budget allocation for any fiscal year. Any restored funding cuts shall be made available to the Judicial branch by the California Legislature immediately following the enactment of this initiative.

It is the intent of the People of the State of California that budget funding floor level of \$144.2 million shall be used by the Judicial branch as the budget for the California Supreme Court, the California Courts of Appeal, the California Judicial Council, and the California Commission on Judicial Performance.

It is the intent of the People of the State of California that the budget of the California Supreme Court shall have a funding floor level of \$15.8 million which is the Supreme Court budget for fiscal 1991-92. The \$15.8 million is to be drawn from the funding floor level of \$144.2 million budget of the Judicial branch.

It is the intent of the People of the State of California that the Judicial branch budget funding floor level of \$144.2 million be retained each and every fiscal year following the adoption of this initiative by the registered voters of the State of California.

It is the specific intent of the People of the State of California to protect the judiciary branch of government from retaliation or threats of retaliation by any other branch of California state government by the use of budgetary funding cuts or the threat of the use of budgetary funding cuts for any decision on any case or matter before the California Supreme Court or the California Courts of Appeal.

It is the intent of the People of the State of California that nothing in this initiative prevents the California State Legislature from appropriating funds for the Judicial branch in excess of the budget funding floor level of \$144.2 million in any fiscal year.

This entire measure shall take effect 30 days following the election in which this initiative appears on the ballot.

If any section of the initiative were to be declared unconstitutional by the Supreme Court, all the remaining sections would remain in effect.

6150 BAY SHORE WALK
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P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

June 30, 1992

Richard Millan, Chairman
Californians For An Independent
State Supreme Court
6150 Bay Shore Walk, Suite 406
Long Beach, California 90803

RE: Initiative Title and Summary
Subject: CALIFORNIANS FOR AN INDEPENDENT
STATE SUPREME COURT
Our File No. SA 92 RF 0014

Dear Proponent:

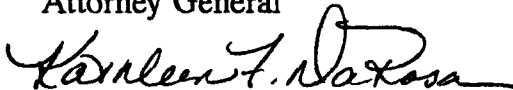
Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above-identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Sincerely,

DANIEL E. LUNGREN
Attorney General


KATHLEEN F. DaROSA
Senior Legal Analyst

MW:
Encls.

DECLARATION OF MAILING

The undersigned Declarant states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: June 30, 1992

Subject: CALIFORNIANS FOR AN INDEPENDENT STATE SUPREME COURT.

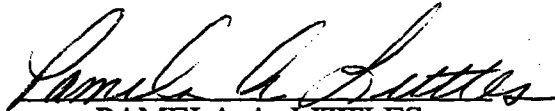
Our File No.: SA 92 RF 0014

Name of Proponent and Address:

NAME RICHARD MILLAN
ADDRESS 6150 Bay Shore Walk Dr., Suite 406
Long Beach, California 90803

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on: June 30, 1992.


PAMELA A. LITTLES
Declarant